

person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section 381, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

*Clause 3.*—If such person is confined under the provisions of section 383, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as is necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

**385.** Whenever it appears to the Local Government that any person imprisoned by the sentence of any Court or Magistrate is of unsound mind, the Local Government, by an order setting forth the grounds of belief that such prisoner is of unsound mind, may direct his removal to a Lunatic Asylum, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence: or if a medical officer certifies that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law.

When it appears to the Local Government that such person has become of sound mind, the Local Government, by an order directed to the person having charge of him, shall remand him to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

The provisions of section IX of Act No. XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to persons confined in a Lunatic Asylum under this section after the expiration of the imprisonment ordered by the sentence.

The time during which a person is confined in a Lunatic Asylum shall be reckoned as part of the term of imprisonment ordered by the sentence.

**386.** Whenever any relative or friend of any person detained under the provisions of section 383 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any

other person, may make an order that the person so detained may be delivered to such relative or friend.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of section 384 shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall have the same effect as a certificate of the officer in charge of the jail, or the Visitors of Lunatic Asylums under the said section.

#### CHAPTER II.—Contempts.

**387.** When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If the case be forwarded to a Justice of the Peace, he shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by section 47 in a Justice of the Peace, and may deal with the offender in the same manner as is provided in that behalf in the said section.

If such Justice of the Peace considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the High Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

**388.** When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

**389.** When any such offence as is described in chapter X of the Indian Penal Code, except sections 175, 178, 179 and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court, by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by section 47 in a Justice of the Peace, and may deal with the offender on conviction in the same manner as is provided in that behalf in the same section.

If such Magistrate considers the offence to require a more severe punishment than a Justice of the Peace is competent to award under the same section, he may commit the offender to the High Court.

## PART IX.

### PLEADING IN CRIMINAL CASES.

#### CHAPTER I.—Of the Charge.

**390.** The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the section under which such offence is punishable.

**391.** Every charge shall be understood to assume, and no charge shall allege, the absence of circumstances showing that the case does not come within any of the general exceptions contained in chapter IV of the Indian Penal Code.

**392.** The burden of proving the existence of such circumstances shall be upon the person accused.

**393.** When the section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the section, without a distinct denial of the existence of such circumstances.

**394.** The charge may contain one or more heads.

**395.** When a charge contains one head only, the form shall be as follows, or to the same effect:

(a.) I, A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge—

(b.) That he, on or about the day of at , waged war against the Queen, and

that he has thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

(d.) And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and Seal of the Magistrate.]

To be substituted for (b),

(2.) That he, on or about the day of at , with the intention of inducing the Honourable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

(3.) That he, being a public servant in the Department, directly accepted from [state the name] for another party [state the name] a gratification, other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and that he has thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

(5.) That he, on or about the day of at , abetted the commission of suicide by A. B., a person in a state of intoxication, and that he has thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

(6.) That he, on or about the day of at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other sections of the Indian Penal Code.

**396.** When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such sections.



**397.** When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Charge where several offences punishable under same section.

**398.** When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more sections of the Indian Penal Code, but it is doubtful which of such sections will be applicable,

Charge in case of doubt as to section applicable, or offence proveable.

or show the commission of one of two or more offences falling within the same section of the said Code, but it is doubtful which of such offences will be proved,

the charge shall contain two or more heads, framed respectively under each of such sections, or charging respectively each of such offences accordingly.

**399.** When a charge contains more heads than one, the form shall be as follows, or to the same effect :—

Forms of charge containing several heads.

I, A [name and office of Magistrate or other officer as aforesaid, &c.,] declare that there is hereby made against Z the charge—

*First.*—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and that he has thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly.*—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name A. B., to receive it as genuine, and that he has thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and Seal of the Magistrate.]

*First.*—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly.*—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

*First.*—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly.*—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has

thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Thirdly.*—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Fourthly.*—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other sections of the Indian Penal Code.

**400.** Any Court before which a trial is held may, at any stage of the trial, amend or alter the charge.

**401.** If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

**402.** If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

**403.** In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

**404.** A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence:

Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death has not resulted, or has not been known by the Court which passed sentence to have resulted.

**405.** If upon the trial of any person charged with the offence of criminal breach of trust under section 405 of the Indian Penal Code,

Person charged with criminal breach of trust may be found guilty of theft.

or of criminal breach of trust as a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

it is proved that such person took the property in question in any such manner as to amount to the offence of theft under section 378 of the said Code,

he shall not be entitled to be acquitted.

But the Court, or the jury in a case tried by jury, may find that such person is not guilty of the offence charged, but is guilty of the said offence under the said section 378.

Thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said section 378.

**406.** If upon the trial of any person charged

Person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

with the offence of criminal breach of trust as a clerk or servant under section 408 of the Indian Penal Code, it

is proved that he took the property in question in any such manner as to amount to

the offence of theft under section 378 of the said Code,

or the offence of theft as a clerk or servant of property in possession of his master under section 381 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 378, or section 381, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**407.** If upon the trial of any person charged

Person charged with theft may be found guilty of misappropriation or breach of trust.

with the offence of theft under section 378 of the Indian Penal Code, or the offence of theft in a building,

tent or vessel under section 380 of the said Code, it is proved that he took the property in question in any such manner as to amount to

the offence of dishonest misappropriation of property under section 403 of the said Code,

or the offence of criminal breach of trust under section 405 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 403, or section 405, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**408.** If upon the trial of any person charged

Person charged with theft as a servant may be found guilty of misappropriation or breach of trust.

with the offence of theft as a clerk or servant of property in the possession of his master, under section 381 of the Indian Penal Code, it is

proved that he took the property in question in any such manner as to amount to any of the following offences:—

dishonest misappropriation of property under section 403 of the said Code,

dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

such dishonest misappropriation under the said section 404, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under section 405 of the said Code,

criminal breach of trust as a clerk or servant under section 408 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the offence under the said section 403, section 404, section 405 or section 408, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**409.** No person charged and tried for an

No person convicted under the last four sections to be charged on same facts.

offence under any section of the Indian Penal Code in the last four sections mentioned, and found guilty

of another offence under the provisions of any other of the said sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the section under which he was charged, or under the section under which he was found guilty.

**410.** In trials before a Court of Session,

Withdrawal of remaining charges on conviction on one of several charges.

when more charges than one are preferred against the same person, and when a conviction has been had on

one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

## CHAPTER II.—Of the Finding, Judgment and Sentence.

**411.** When the trial in any Criminal Court is

Judgment to specify offence.

concluded, the Court, in passing judgment, if the accused person be convicted,

shall distinctly specify the offence of which, and the section of the Indian Penal Code under which, he is convicted;

or if it be doubtful under which of two sections

Judgment in the alternative.

the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the said Code.

**412.** The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

*In trials by Jury:—*

(A).—When the jury are unanimous:

The jury are unanimous in finding that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said Z be [sentence.]



2nd.—The jury are unanimous in finding that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

(B).—When the jury are not unanimous, but such a majority as is required by section 217 concur in finding the accused guilty:

3rd.—A majority (stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be) find that *Z* is guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be [sentence.]

(C).—When the jury are not unanimous, but such a majority as is required by section 217 concur in finding the accused not guilty:

4th.—A majority of the jury (stating the number, as above) find that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be discharged.

(D).—When the jury, or such a majority as is required by section 217, concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:

5th.—The jury, or a majority of the jury (stating the number, as above) find that *Z* is guilty, either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [sentence.]

(E).—When a majority less than the number required by section 217 find the accused guilty:

6th.—A majority of not less than two-thirds of the jury (stating the number, as above) with the concurrence of the Judge, find that *Z* is guilty of the offence specified in the charge, namely, that he has committed, &c., &c. The Court directs that the jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by section 217.

(F).—In trials with Assessors:

7th.—The Court, concurring with the assessors (or one or more of the assessors), finds that *Z* is guilty of the offence specified in the charge,

namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be [sentence.]

8th.—The Court, differing from the assessors, finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

9th.—The Court, concurring with one of the assessors, finds that *Z* is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [sentence.]

In trials upon a formal charge, without jury or the aid of assessors:

10th.—The Court finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be [sentence.]

11th.—The Court finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

In trials in which no formal charge has been prepared:

12th.—The Court finds that *Z* has used criminal force, and has thereby committed an offence punishable under section 353 of the Indian Penal Code, and directs that the said *Z* be [sentence.]

13th.—The Court finds that the complaint of assault is not proved, acquits *Z*, and directs that he be discharged.

413. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in

Language of sentence. the vernacular language of the presiding officer, and shall be dated and signed by such officer at the time of his making or passing the same.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such officer, shall be incorporated in the record of the sentence or order.

414. If the vernacular language of the presiding officer is not English, and he is sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefers to write the same in that

When sentence may be written in English.

language, the sentence or final order may be written in English.

### CHAPTER III.—*Prosecutions in certain Cases.*

**415.** A charge of an offence punishable under Prosecutions for offences against the State. chapter VI of the Indian Penal Code, except section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

**416.** A charge of an offence punishable under Prosecution of Judges and public servants. chapter IX of the Indian Penal Code, of which any Judge or any public servant not removable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

**417.** A charge of any offence described in Prosecution for contempt of the lawful authority of public servants. chapter X of the Indian Penal Code, not falling within section 163, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections 189 and 190 of the Indian Penal Code.

**418.** A charge of an offence against public Prosecution for certain offences against public justice. justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

**419.** A charge of an offence relating to Prosecution for certain offences relating to documents given in evidence. documents described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

**420.** When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding Procedure in cases mentioned in last three preceding sections.

sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

**421.** A Court of Session may charge a person Power of Court of Session as to such offences committed before it. for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

**422.** In any case triable by the Court of Session exclusively, any Power of Civil Courts to complete investigation and commit to Court of Session. Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section, the Civil Court may exercise all the powers of a Magistrate.

**423.** When any such commitment is made Procedure of Civil Court in such cases. by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other officer exercising any of the powers of a Magistrate, and such Magistrate or other officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

**424.** Whenever any Court of Justice commits Court may exercise all powers of Magistrate as to binding over persons to give evidence. or holds to bail any person for trial under the last three preceding sections, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

**425.** If any such offence, triable by the Court Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court. of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

**426.** A charge of an offence under section 497 Prosecution for adultery. of the Indian Penal Code shall not be instituted, except by the husband of the woman



427. A charge of an offence under section 498 of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

Prosecution for enticing away a married woman.

## PART X.

### PREVENTIVE JURISDICTION OF MAGISTRATES.

#### CHAPTER I.—Of Security for keeping the Peace.

428. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

Personal recognizance to keep the peace in cases of conviction.

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer is subordinate, who shall deal with the case as if the conviction had been before himself.

Where convicting officer has not powers of Magistrate.

429. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate or other officer as aforesaid, empowered to require a personal recognizance, may require security in addition thereto and fix the amount of the security-bond to be

executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other officer exercising the powers of a Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

430. The Magistrate of the District or other officer exercising the powers of a Magistrate, whenever he receives credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

431. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

432. The bond shall be in the Form (D) given in the appendix or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

433. If the person summoned does not attend on the day appointed, the Magistrate or other officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to the Magistrate or other officer as aforesaid, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate or other officer may at any time issue a warrant for his arrest.

434. The Magistrate or other officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

435. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate or other officer as aforesaid is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate or other officer as aforesaid shall direct his discharge.

Discharge of person informed against.

**436.** If the Magistrate or other officer as aforesaid is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate or other officer as aforesaid may commit him to jail.

**437.** The period for which the Magistrate or other officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year.

When a person is committed to jail under section 436, he shall not be detained by authority of the Magistrate or other officer as aforesaid beyond the term of one year, and shall be released whenever within that term he complies with the order.

**438.** Whenever it appears to the Magistrate or other officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Such Court, after examining the proceedings of the Magistrate or other officer as aforesaid and making such further enquiry as it thinks necessary, may, if it see cause, authorize the Magistrate or other officer as aforesaid to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other officer as aforesaid directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

**439.** The Magistrate or other officer as aforesaid may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

**440.** A surety for the personal appearance of another person may at any time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.

\*On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

**441.** Whenever it is proved before the Magistrate or other officer as aforesaid that any recognizance or other bond taken under this chapter has been forfeited, he shall record the

grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause be not shown and the penalty be not paid, the Magistrate or other officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which is found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail for a period not exceeding six months.

**442.** Whenever it is proved before the Magistrate or other officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate or other officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

## CHAPTER II.—Of Security for Good Behaviour.

**443.** Whenever it appears to the Magistrate of the District or to an officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding six months.

**444.** Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by

repute a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding one year.

**445.** Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,



the Magistrate or other officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

446. If the person so required to furnish security, does not furnish the same, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of the Magistrate or other officer as aforesaid as it judges proper.

447. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

448. Whenever security for good behaviour is required by the Court of Session or the Magistrate or other officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

The security-bond shall be in the Form (F) given in the appendix, or to the like effect.

449. In the event of any person required to give security under the provisions of the foregoing sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Imprisonment under this section may be rigorous or simple, as the Court of Session in each case directs.

450. The Magistrate of the District or other officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

451. Whenever a Magistrate or other officer as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of

a Court of Session, can be safely released without such security, the Magistrate or other officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

452. A surety for the good behaviour of a person may at any time apply to the Magistrate or other officer as aforesaid to be relieved from his engagement as surety.

On such application being made, the Magistrate or other officer as aforesaid shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

453. Whenever the Magistrate or other officer as aforesaid is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

If no sufficient cause be shown, the Magistrate or other officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to him which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail, for a period not exceeding six months.

454. The provisions of sections 431 and 433 relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour.

455. Any evidence taken under Part X, chapter I or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

### CHAPTER III.—Local Nuisances.

456. Any Magistrate, by a written order, may direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such

Magistrate considers that such direction is likely to prevent, or tends to prevent,

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety, or a riot or an affray.

**457.** Any Magistrate may enjoin any person not to repeat or continue a public nuisance as defined in section 268 of the Indian Penal Code.

Magistrate may prohibit repetition or continuance of public nuisances.

No appeal shall lie from an order made under this section.

**458.** Whenever the Magistrate of a District or of a division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

Magistrate may order removal of nuisances.

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

**459.** Such order shall, if practicable, be served personally on the person to whom it is issued.

Service or notification of order.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

**460.** The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was

Person ordered shall obey, or may claim a jury.

required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

**461.** If the person to whom the order mentioned in section 458 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

**462.** If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 461.

**463.** If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Procedure where person ordered satisfies Magistrate that order is not reasonable.



**464.** If, pending the enquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 458, as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

**465.** Nothing in this chapter shall interfere with the provisions of section XLVIII of Act No. XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*), or of section XXXIV of Act No. V of 1861 (*for the regulation of Police*), or of section XVI of Act No. VIII of 1867 of the Governor of Bombay in Council.

#### CHAPTER IV.—Possession.

**466.** Whenever the Magistrate of the District or other officer exercising the powers of a Magistrate is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

The Magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

**467.** If the Magistrate or other officer as aforesaid decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession, of the subject of dispute, he may attach it until a competent civil Court shall have determined the rights of the parties or who ought to be in possession.

**468.** If a dispute arise concerning the right of use of any land or water, the Magistrate or other officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other officer may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Provided that the Magistrate or other officer as aforesaid, shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the enquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

**469.** Whenever a local enquiry is necessary to determine a boundary dispute or a contested right of possession, any officer exercising the full powers of a Magistrate, may depute any Assistant or other officer subordinate to him to make the enquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the enquiry shall be paid.

**470.** Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

#### CHAPTER V.—Of the Maintenance of Wives and Families.

**471.** If any person having sufficient means neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or other officer exercising the powers of a Magistrate may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to the Magistrate or other officer as aforesaid seems reasonable.

If such person wilfully neglects to comply with this order, the Magistrate or other officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order him to be imprisoned with or without hard labour for any term not exceeding one month:

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, the Magistrate or other officer as aforesaid may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

**472.** On the application of any person ordered to pay a monthly allowance under the provisions of section 471, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit.

## PART XI.

### MISCELLANEOUS PROVISIONS.

#### Miscellaneous.

**473.** The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after this Act comes into force, are instituted in any Court.

**474.** Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras and Bombay, except so far as this Act expressly provides for the same.

**475.** Nothing in this Act shall be held to alter or affect (a) the jurisdiction, duties, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(b) the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George, (c) the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay, (d) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military bázars at cantonments and stations occupied by the troops of those Presidencies respectively.

### APPENDIX OF FORMS.

#### A.

#### FORM OF SUMMONS (section 106).

To A. B., of

Whereas your attendance is necessary to answer to a charge of (state shortly the offence charged): You are hereby required to appear in person or by

authorized agent, as the case may be, before the [Magistrate] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_. Herein fail not.

(Signature and Seal.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_.

#### B.

#### FORM OF WARRANT (section 113).

To \_\_\_\_\_ (name and designation of the person or persons who are to execute the warrant).

Whereas \_\_\_\_\_ of \_\_\_\_\_ stands charged with the offence of (state the offence): You are hereby directed to apprehend the said \_\_\_\_\_ and produce him before me. Herein fail not.

(Signature and Seal.)

This warrant may be endorsed as follows:—

If the said \_\_\_\_\_ shall give bail, himself in the sum of \_\_\_\_\_ with one surety in the sum of \_\_\_\_\_ (or two sureties each in the sum of \_\_\_\_\_) to appear before me on the \_\_\_\_\_ day of \_\_\_\_\_ he may be released.

(Signature.)

Dated \_\_\_\_\_

#### C.

#### FORM OF WARRANT OF COMMITMENT (section 222).

To \_\_\_\_\_ Jailor of \_\_\_\_\_

Whereas \_\_\_\_\_ of \_\_\_\_\_ is charged with (state the offence in respect of which the prisoner is charged, and the authority of the committing officer):

You are hereby required to receive the said \_\_\_\_\_ into your custody in the said jail of \_\_\_\_\_ and him there safely to keep until he shall be thence delivered by due course of law.

(Signature.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_

#### D.

#### FORM OF BOND TO KEEP THE PEACE (section 432).

Whereas I \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been called upon to enter into a bond to keep the peace for the term of \_\_\_\_\_, I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of \_\_\_\_\_ rupees.

(Signature.)

Dated \_\_\_\_\_

#### FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said \_\_\_\_\_ that he shall not commit a breach of



the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (sections 88 and 321).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute (or, as the case may be, to prosecute and give evidence, or to give evidence) in the matter of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR (section 448).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845.	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole Act.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo. iii, Cap. 155, Section 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section fifty-eight.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	So much as has not been repealed.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No. XVII of 1862.	
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	The whole Act.
XXVII of 1870.	To amend the Indian Penal Code.	Sections sixteen and seventeen, and the two schedules.

PART III.—REGULATIONS.  
BENGAL REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1793...	A Regulation for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections three and thirty-four.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the Provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders.	So much as has not been repealed.
XVII of 1829	A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.	Section three, clause one, from and including the words "and any zemindar" to the end of the clause. Clauses two and three.
MADRAS REGULATIONS.		
IX of 1816...	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah.	Sections three, four and five.
II of 1827...	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exer-	Section five.

## PART III.—continued.

Number and Year.	Title.	Extent of repeal.
	cised by Subordinate Collectors.	.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.
I of 1830 ...	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end; clauses two and three. And sections four and five.
BOMBAY REGULATIONS.		
XII of 1827	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	Sections one, two, three, seven, eight, nine, fourteen, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830	A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII. of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.



## SCHEDULE II.

*Explanatory Notes.*—1st.—The entries in the second and sixth columns of the schedule, headed respectively "Offence" and "Punishment" under the Indian Penal Code, are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2nd.—The term "Whether bailable or not," in column five, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column seven, as triable by a Magistrate.

4th.—The words "Magistrate of the District," as used in column seven, shall include any officer exercising the powers of a Magistrate.

5th.—The words "any Magistrate," as used in column seven, shall include any Subordinate Magistrate of the first or second class.

6th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those territories respectively shall appoint.

7th.—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

## CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto	Ditto	Ditto	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed	Ditto	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable	Imprisonment of either description for seven years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto	Ditto	Ditto	Imprisonment of either description for fourteen years and fine.	Ditto.

## CHAPTER V—OF ABETMENT—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
117	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto	Ditto	Ditto	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
118	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Ditto.
	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto	Ditto	Not bailable	Imprisonment of either description for seven years, and fine.	Ditto.
	If the offence be not committed	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation	Ditto	Ditto	Not bailable	Imprisonment of either description for ten years.	Ditto.
	If the offence be not committed	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto	Ditto	Ditto	Imprisonment extending to one-fourth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.



## CHAPTER VI—OFFENCES AGAINST THE STATE.

If not committed		Ditto	...	Ditto	...	Ditto	...	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	...	...	Warrant	...	Not bailable	...	Death, or transportation for life, and forfeiture of property.	Court of Session.
121 A.	Conspiring to commit certain offences against the State	...	...	Ditto	...	Ditto	...	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for ten years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for ten years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, and fine.	Ditto.
124 A.	Exciting, or attempting to excite, disaffection	Ditto	...	Ditto	...	Ditto	...	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto	...	Ditto	...	Ditto	...	Transportation for life and fine, or imprisonment of either description for seven years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, and fine and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation, mentioned in sections 125 and 126.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto	...	Ditto	...	Bailable	...	Simple imprisonment for three years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto	...	Ditto	...	Not bailable	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

## CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto	Ditto	Ditto	Death or transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor	Ditto	Ditto	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted	Ditto	Ditto	Ditto	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	Ditto	Fine of five hundred rupees	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant	Ditto	Imprisonment of either description for six months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto	Summons	Ditto	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.

## CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
143	Being a member of an unlawful assembly.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.



	Joining an unlawful assembly armed with any deadly weapon.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for two years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto	...	...	...	Ditto	...	Ditto	Ditto.
147	Rioting ...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
148	Rioting armed with a deadly weapon	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	...	According as a warrant or summons may issue for the offence.	...	According as the offence is bailable or not.	...	The same as for the offence	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	...	According to the offence committed by the person hired, engaged, or employed.	...	Ditto	...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto	...	Summons	...	Bailable	...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.
	If not committed	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for six months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	...	Ditto	...	Ditto	...	Fine of one thousand rupees	Magistrate of the District, or Subordinate Magistrate of First Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto	...	Ditto	...	Ditto	...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly	May arrest without warrant.	...	Ditto	...	Ditto	...	Imprisonment of either description for six months, or fine, or both.	Ditto.

## CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
158	Being hired to take part in an unlawful assembly or riot ...	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	Or to go armed ...	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
160	Committing affray ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Any Magistrate.

## CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	162	163	164	165
Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Taking a gratification for the exercise of personal influence with a public servant.	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.
Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...
Summons ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...
Bailable ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...
Imprisonment of either description for three years, or fine, or both.	Ditto ...	Simple imprisonment for one year, or fine, or both.	Imprisonment of either description for three years, or fine, or both.	Simple imprisonment for two years, or fine, or both.
Court of Session or Magistrate of the District.	Ditto.	Magistrate of the District.	Court of Session or Magistrate of the District.	Magistrate of the District, or Subordinate Magistrate of First Class.



166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto	...	Ditto	...	Ditto	Simple imprisonment for one year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade	Ditto	...	Ditto	...	Ditto	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property	Ditto	...	Ditto	...	Ditto	Simple imprisonment for two years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	...	Warrant	...	Ditto	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto	...	Summons	...	Ditto	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.

## CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absonding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	...	Summons	...	Bailable	...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.

## CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
176	If the document is required to be produced or delivered to a Court of Justice.	Ditto	Ditto	Ditto	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	Ditto	Ditto	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto	Ditto	Ditto	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant ...	Ditto	Ditto	Ditto	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If the information required respects the commission of an offence, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.



178	Refusing oath when duly required to take oath by a public servant.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	...	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for three months, or fine of five hundred rupees, or both.	...	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	...	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	...	Magistrate of the District, or Subordinate Magistrate of First Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	...	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one month, or fine of two hundred rupees, or both.	...	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	...	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	...	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for six months, or fine of five hundred rupees, or both.	...	Ditto.

## CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.  If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
					Imprisonment of either description for one year, or fine, or both.	Ditto.

## CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

		Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for seven years, and fine.	Court of Session.
193	Giving or fabricating false evidence in a judicial proceeding...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.  If innocent person be thereby convicted and executed	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
					The same as for the offence ...	Ditto.



196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto	...	Ditto	...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto	...	Ditto	...	Bailable	The same as for giving false evidence ...	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
200	Using as true any such declaration known to be false ...	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for ten years.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than ten years' imprisonment	Ditto	...	Ditto	...	Ditto	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto	...	Summons	...	Ditto	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed ...	Ditto	...	Warrant	...	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.

## CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(continued.)

1 Secti	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice	Ditto	Ditto	Ditto	Imprisonment of either description for two years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure	Ditto	Ditto	Ditto	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for seven years, or upwards.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for five years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for one year, and not for ten years.	Ditto	Ditto	Ditto	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto	Ditto	Ditto	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.



214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto	...	Ditto	...	Ditto	...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for one year and not for ten years	Ditto	...	Ditto	...	Ditto	...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	...	Summons	...	Ditto	...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, with or without fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for ten years.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for three years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto	Ditto	Ditto	Imprisonment of either description for two years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of First Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto	Ditto	Not bailable	Transportation for life, or imprisonment of either description for fourteen years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for ten years or upwards.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than ten years	Ditto	Ditto	Bailable	Imprisonment of either description for three years, or fine or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto	Summons	Ditto	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto	Ditto	Ditto	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for ten years.	Ditto	Ditto	Not bailable	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.



225 A.	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for ten years or upwards.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto
	If under sentence of death	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto
	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto
226	Unlawful return from transportation	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto
227	Violation of conditions of remission of punishment	Shall not arrest without warrant.	...	Summons	...	Ditto	...	Ditto	...	Ditto	...	Ditto
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto
229	Personation of a juror or assessor	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant	...	Not bailable	...	Imprisonment of either seven years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto	Ditto	...	Ditto	...	Imprisonment of either ten years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto	Ditto	...	Ditto	...	Imprisonment of either three years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto	Ditto	...	Ditto	...	Imprisonment of either seven years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto	Ditto	...	Ditto	...	Imprisonment of either three years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin	Ditto	Ditto	...	Ditto	...	Imprisonment of either ten years, and fine.	Court of Session.

## CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (continued).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant	Not bailable	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto	Ditto	Ditto	Imprisonment of either description for five years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit. Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto	Ditto	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	Ditto	Ditto	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.



247	Fraudulently diminishing the weight or altering the position of the Queen's Coin.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for five years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for five years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for two years, or fine of ten times the value of the Coin.	Magistrate of the District, or Sub-ordinate Magistrate of First Class.
255	Counterfeiting a Government stamp.	Ditto	...	Ditto	...	Bailable	Imprisonment of either description for ten years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
258	Sale of counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	Ditto ...	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for seven years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto	...	Ditto	...	Ditto	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Sub-ordinate Magistrate of First Class.

## CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant	Bailable	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.

## CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto	Ditto	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto	Ditto	Ditto	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto	Ditto	Ditto	Ditto	Ditto.

## CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto	Ditto	Imprisonment of either description for six months, or fine, or both.	Ditto.





CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENTY AND MORALS.  
(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto	Ditto	Ditto	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto	Ditto	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto	Ditto	Fine of two hundred rupees	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto	Ditto	Simple imprisonment for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
292	Sale, &c., of obscene books, &c.	Ditto	Warrant	Ditto	Imprisonment of either description for three months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto	Ditto	Ditto	Ditto	Ditto.
294	Obscene songs.	Ditto	Ditto	Ditto	Ditto	Ditto.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons	Ditto	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto	Ditto	Ditto	Fine of a thousand rupees	Ditto.



## CHAPTER XV—OFFENCES RELATING TO RELIGION.

		May arrest without warrant.	Summons	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Ditto	...	...	...	...
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto	Ditto	Ditto	Imprisonment of either description for one year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto	Ditto	Ditto	...	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto	Ditto	...	Ditto.

## CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

*Offences affecting life.*

		May arrest without warrant.	Warrant	Not bailable	Death, transportation for life, and fine.	Court of Session.
302	Murder.	Ditto	Ditto	Ditto	Death	Ditto.
303	Murder by a person under sentence of transportation for life.	Ditto	Ditto	Ditto	...	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
304A.	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, or fine, or both.	Ditto.
305	Causing death by negligence.	Ditto	Ditto	Bailable	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
306	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto	Ditto	Not bailable	Death, or transportation for life, or imprisonment for ten years, and fine.	Court of Session.
307	Abetting the commission of suicide.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
307	Attempt to murder.	Ditto	Ditto	Ditto	Ditto	Ditto.
308	If such act cause hurt to any person.	Ditto	Ditto	Ditto	Transportation for life, or as above	Ditto.
308	Attempt to commit culpable homicide.	Ditto	Ditto	Bailable	Imprisonment of either description for three years, or fine, or both.	Ditto.

## CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (continued).

*Offences affecting life (continued).*

Section.	1	2	3	4	5	6	7
		Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
309		If such act cause hurt to any person.	May arrest without warrant.	Warrant	Bailable	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
311		Attempt to commit suicide.	Ditto	Ditto	Ditto	Simple imprisonment for one year, and fine.	Magistrate of the District.
311		Being a thug.	Ditto	Ditto	Not bailable	Transportation for life, and fine.	Court of Session.

*Of the causing of Miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births.*

Section.	1	2	3	4	5	6	7
			Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for three years, or fine, or both.	Court of Session.
312		Causing miscarriage.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
313		If the woman be quick with child.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
314		Causing miscarriage without woman's consent.	Ditto	Ditto	Not bailable	Imprisonment of either description for ten years, and fine.	Ditto.
314		Death caused by an act done with intent to cause miscarriage.	Ditto	Ditto	Ditto	Transportation for life, or as above.	Ditto.
315		If act done without woman's consent.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, or fine, or both.	Ditto.
315		Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, or fine, or both.	Ditto.
316		Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
317		Exposure of a child under twelve years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto	Bailable	Imprisonment of either description for seven years, or fine, or both.	Ditto.



318	Concealment of birth by secret disposal of dead body	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
<i>Of Hurt.</i>							
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons	Bailable	...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
325	Voluntarily causing grievous hurt.	Ditto	Ditto	Ditto	...	Imprisonment of either description for seven years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto	Ditto	Not bailable	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto	Warrant	Ditto	...	Imprisonment of either description for ten years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto	Ditto	Ditto	...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto	Ditto	Ditto	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto	Ditto	Bailable	...	Imprisonment of either description for seven years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto	Ditto	Not bailable	...	Imprisonment of either description for ten years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto	Ditto	Bailable	...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto	Ditto	Not bailable	...	Imprisonment of either description for ten years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto	Summons	Bailable	...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY (continued).  
Of Hurt (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for four years, or fine of two thousand rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto	Ditto	Ditto	Imprisonment of either description for three months, or fine of two hundred and fifty rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for six months, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine of one thousand rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons	Bailable	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto	Ditto	Ditto	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
343	Wrongfully confining for three or more days.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.



345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto	...	Ditto	...	Imprisonment of either description for two years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto	...	Ditto	...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto	Ditto	...	Ditto	...	Imprisonment of either description for three years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.

*Of Criminal Force and Assault.*

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	...	Bailable	...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant	...	Ditto	...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto	...	Ditto	...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Ditto	...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	...	Not bailable	...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	...	Bailable	...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Ditto	...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.

599

*Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.*

363	Kidnapping.	May arrest without warrant.	Warrant	...	Not bailable	...	Imprisonment of either description for seven years, and fine.	Court of Session.
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## CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(continued).

*Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto	Ditto	Ditto	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto	Ditto	Ditto	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto	Bailable	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto	Not bailable	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto	Ditto	Ditto	Imprisonment for either description for ten years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto	Ditto	Ditto	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto	Ditto	Bailable	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.



*Of Rape.*

376	Rape.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
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*Of Unnatural Offences.*

377	Unnatural offences.	May arrest without warrant.	Warrant	Not bailable	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
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## CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

*Of Theft.*

379	Theft.	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for three years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto	Ditto	Ditto	Ditto	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto	Ditto	Ditto	Rigorous imprisonment for ten years, and fine.	Court of Session.

*Of Extortion.*

384	Extortion.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.

## CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(continued).

*Of Extortion (continued).*

Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for ten years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto	Ditto	Ditto	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for ten years, in order to commit extortion.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto	Ditto	Ditto	Transportation for life.	Ditto.

*Of Robbery and Dacoity.*

Section.	Offence.	May arrest without warrant.	Warrant	Not bailable	Rigorous imprisonment for ten years, and fine.	Court of Session, or Magistrate of the District.
392	Robbery.	Ditto	Ditto	Ditto	Rigorous imprisonment for fourteen years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto	Ditto	Ditto	Rigorous imprisonment for seven years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto	Ditto	Ditto	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
395	Dacoity.	Ditto	Ditto	Ditto	Ditto	Ditto.



386	Murder in dacoity.	Ditto	...	Ditto	...	Ditto	...	Death, transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
387	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto	...	Ditto	...	Ditto	...	Rigorous imprisonment for not less than seven years.	Ditto.
388	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
389	Making preparation to commit dacoity.	Ditto	...	Ditto	...	Ditto	...	Rigorous imprisonment for ten years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or as above	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto	...	Ditto	...	Ditto	...	Rigorous imprisonment for seven years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.

*Of Criminal Misappropriation of Property.*

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	...	Warrant	...	Bailable	...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for seven years, and fine.	Ditto.

*Of Criminal Breach of Trust.*

406	Criminal breach of trust.	May arrest without warrant.	...	Warrant	...	Not bailable	...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
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## CHAPTER XVII—OFFENCES AGAINST PROPERTY—(continued).

*Of Criminal Breach of Trust (continued).*

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.

*Of the receiving of Stolen Property.*

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.



*Of Cheating.*

		Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for one year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of First Class.
417	Cheating.			...	...	
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
419	Cheating by personation.	Ditto	Ditto	Ditto	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.

*Of Fraudulent Deeds and Dispositions of Property.*

		Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.			...	...	
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto	Ditto	Ditto	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto	Ditto	Ditto	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto	Ditto	Ditto	Ditto	Ditto.

*Of Mischief.*

		Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for three months, or fine, or both.	Any Magistrate.
426	Mischief.			...	...	

## CHAPTER XVII—OFFENCES AGAINST PROPERTY—(continued).

## Of Mischief (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
427	Mischief, and thereby causing damage to the amount of fifty rupees or upwards.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of ten rupees or upwards.	Ditto	Ditto	Ditto	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards.	Ditto	Ditto	Ditto	Imprisonment of either description for five years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto	Ditto	Ditto	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto	Ditto	Ditto	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto	Ditto	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards.	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.



436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto	...	Ditto	...	Not bailable	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for ten years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for ten years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for five years, and fine.	Ditto.
<i>Of Criminal Trespass.</i>									
447	Criminal trespass.	May arrest without warrant.	...	Summons	...	Bailable	...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto	...	Ditto	...	Not bailable	...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for ten years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto	...	Ditto	...	Bailable	...	Imprisonment of either description for two years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto	...	Ditto	...	Not bailable	...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for two years, and fine.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(continued).  
Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
	If the offence is theft.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto	Ditto	Ditto	Ditto	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Imprisonment of either description for five years, and fine.	Ditto.
	If the offence is theft.	Ditto	Ditto	Ditto	Imprisonment of either description for fourteen years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto	Ditto	Ditto	Ditto	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto	Ditto	Ditto	Ditto	Ditto.



461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto	...	Ditto	...	Bailable	...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

## CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant	Bailable	...	Imprisonment of either description for two years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto	Ditto	...	...	Imprisonment of either description for seven years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c. When the valuable security is a promissory note of the Government of India.	Ditto	Ditto	...	...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
468	Forgery for the purpose of cheating.	May arrest without warrant.	Ditto	Ditto	...	Ditto.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Shall not arrest without warrant.	Ditto	Ditto	...	Imprisonment of either description for seven years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto	Ditto	...	...	Imprisonment of either description for three years, and fine.	Ditto.
472	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto	Ditto	...	Punishment for forgery	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto	...	...	Ditto	Ditto.
474	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto	Ditto	...	...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto	Ditto	...	...	Imprisonment of either description for seven years, and fine.	Ditto.

## CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(continued).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall or dinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.

*Of Trade and Property-Marks.*

		Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
482	Using a false trade or property-mark with intent to deceive or injure any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto ...	Ditto ...	Ditto ...		



486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
488	Making use of any such false mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

## CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	...	Summons	...	Bailable	...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one month, or fine of double the expense incurred, or both.	Ditto.

## CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	...	Warrant	...	Not bailable	...	Imprisonment of either description for ten years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife.	Ditto	...	Ditto	...	Bailable	...	Imprisonment of either description for seven years, and fine.	Ditto.

## CHAPTER XX—OFFENCES RELATING TO MARRIAGE—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant	Not bailable	Imprisonment of either description for ten years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not there by lawfully married.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
497	Adultery.	Ditto	Ditto	Bailable	Imprisonment of either description for five years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

## CHAPTER XXI—OF DEFAMATION.

		Shall not arrest without warrant.	Warrant	Bailable	Simple imprisonment for two years, or fine, or both.	Court of Session, or Magistrate of the District.
500	Defamation.					
501	Printing or engraving matter knowing it to be defamatory.	Ditto	Ditto	Ditto	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto	Ditto	Ditto	Ditto	Ditto.

## CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

		Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
504	Insult intended to provoke a breach of the peace.					
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto	Ditto	Not bailable	Ditto	Magistrate of the District.
506	Criminal intimidation.	Ditto	Ditto	Bailable	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If threat be to cause death or grievous hurt, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, or fine, or both.	Court of Session, or Magistrate of the District.



## CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for two years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for twenty-four hours, or fine of ten rupees, or both.	Any Magistrate.

### CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.
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### OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant	...	Not bailable	...	Court of Session.
If punishable with imprisonment for more than three and less than seven years.	Ditto	Ditto	...	Ditto	...	Court of Session, or Magistrate of the District.
If punishable with imprisonment for three years or less than three years.	Shall not arrest without warrant.	Summons	...	Bailable	...	Magistrate of the District, or Subordinate Magistrate of First Class.
If punishable with fine only or with imprisonment for less than one year.	Ditto	Ditto	...	Ditto	...	Any Magistrate.

## STATEMENT OF OBJECTS AND REASONS.

The Commissioners appointed by Her Majesty to prepare a body of substantive law for India issued, on the 11th June 1870, a seventh Report relating to the revision of the Code of Criminal Procedure. After making some remarks on Act VIII of 1869, by which the Code was last year amended, the report proceeds to make observations upon certain points submitted for the opinion of the Commissioners by the Secretary of State for India. It adds certain other suggestions as to the improvement of the Code, and it concludes by the following observations:—

“We have endeavoured by this Report to complete the revision of the Code of Criminal Procedure in the manner which appears to have been contemplated by the local Government of India.

“We should not have adopted this method of executing the duty entrusted to us if Act VIII of 1869 had not been passed, but the existing state of the law, as altered by the provisions of that Act, has, in our opinion, rendered this the most expedient course.

“A short Act may be passed, embodying the required provisions on the points regarding which we have reported.

“In that case the original Code, XXV of 1861, with the Act VIII of 1869, and such new Act, would contain the whole law.

“Should it, however, be thought more convenient to consolidate the whole law of procedure in a single Act, this could be effected without difficulty by a process little more than mechanical.”

A draft Bill has been prepared, founded upon this Report, but it was impossible to draw it without perceiving that partly by reason of the originally defective arrangement of the Code, and partly by reason of successive amendments made with little reference to its arrangement, the Code was so ill-arranged and obscure that it appeared highly desirable to take the opportunity of re-arranging it in an intelligible and consecutive manner. No doubt there is a strong *prima facie* objection to the alteration of the arrangement of an Act of the first importance, with which most of those who have to administer it have become familiar by practice. The evil, however, is very serious, as the following account of the existing state of the Act will show.

The natural order of arrangement obviously is to follow the course of a criminal trial from the first steps for the apprehension of the offender to the execution of the final order of the Court, and to treat separately of exceptional incidents or detached subjects. To a certain extent this order has been followed in the Code as it stands, but deviations from it have been so frequent that it is extremely difficult for any one to derive from the mere perusal of the Code any connected view of the subject. To appreciate this fully the whole Code as it stands should be read; but some illustrations may be given.

The chapters relating to the prevention of offences, XVIII to XXII, are interposed between the chapters relating to proceedings before Magistrates and trials by the Court of Session. Chapter XVII, which precedes this parenthesis, provides that places where trials are to be held shall be open Courts, and chapter XXIII, which follows it, relates to Jurors and Assessors. Chapter XXIV, which relates to Judges in the Madras Presidency, is strangely prefixed to trials in the Court of Session (chapter XXVI). This is as strangely followed by a chapter (XXVII) about lunatics, the provisions as to the jurisdiction of the Sadr Courts being postponed. So that a student wishing to follow out the course of trial has to skip six chapters in order to learn what happens when a man is committed for trial, and then to skip a seventh chapter in order to learn about the course of appeal.

There is a chapter (III) on Preliminary Rules near the beginning, and another (XXXI) on General Rules at the end, which deal, utterly without any arrangement, with all sorts of subjects which ought to find a place of their own in the Act. Thus, section 43 in the Preliminary Rules provides that witnesses are to be examined on oath, and section 44 that the Court may apply portions of fine in compensation for damages. As for the General Rules, section 431 provides for the employment of interpreters; section 432 gives accused persons a right to be defended by counsel; and section 433 provides for the confinement of youths in reformatories.

The arrangement of the sections is as strange as that of the chapters. Thus, for instance—and it is only one instance—chapter XXIII, on Jurors and Assessors, is thus arranged: sections 322 and 323 prescribe the cases in which trials are to be by jury; section 324 relates to trials by assessors; sections 325-7 settle the composition of juries when Europeans or Americans are tried; and 328 the ‘number of voices necessary to a verdict’. So far, the arrangement, though not good, is intelligible; but then come a series of provisions (329—340) about jury-lists, and



the attendance of jurymen; after which come provisions (341—8) about the trial, including objections by the accused or the prosecution, which obviously ought to have preceded section 328. Section 349, which is very long, goes back to summoning juries. Section 351 returns to the subject of majorities, which had been provided for in part by section 328. The confusion is so great that a person coming fresh to the subject would have to read the chapter over several times before it presented to his mind any clear notion.

Where a plan is followed, it is a bad one. Thus, proceedings before Magistrates are put together; but instead of beginning with the simplest (summons cases) and going on to the most serious (commitment cases), this order is inverted.

The most complicated case is put first and the simplest last, and the whole Code has, in consequence, to be disfigured by continual cross-references. Thus, for instance, the mode in which evidence is to be taken in all cases is prescribed in the chapter about commitments, and certain sections in that chapter are embodied by reference in three other chapters, consecutively, with variations.

It would be easy to multiply, to any extent, illustrations of the entire want of arrangement which disfigures the Code, but these are enough. This is not a mere matter of taste. It is of the very highest practical importance in the administration of justice that the course of proceedings prescribed should be easily apprehended as a whole, and that it should be capable of being learnt with the greatest possible ease by those who are to administer it. It must be remembered, in particular, that the Codes have an educational as well as a merely practical value. Judicial officers learn, and are meant to learn, their business in the first instance from the Codes themselves, and it is waste of valuable time to make them needlessly difficult and intricate.

The Code has accordingly been re-arranged, and the draft now published differs from the existing law principally in the fact that it has been so re-arranged.

The first leading distinction recognized in that draft is between those provisions which relate to—

- (1) The trial of offenders;
- (2) The prevention of the commission of crime or continuance of illegal conduct.

It is divided into eleven Parts, of which

- nine relate to the punishment of crimes;
- one to the prevention of crimes; and
- one to miscellaneous matters.

The Parts relating to the punishment of crimes are as follows.

Part I deals with the jurisdiction of the Courts in four chapters. They regulate—the ordinary jurisdiction of the Courts as to crimes (chapter 1):

the special jurisdiction with which Local Governments in their discretion may invest particular officers, especially Magistrates (chapter 2):

jurisdiction as it varies with respect to persons (chapter 3). This chapter includes all provisions relating to European British subjects, and to offenders liable to be tried for offences committed in Native States or elsewhere. The opportunity has been taken of repealing Act I of 1849, remodelling some of its provisions which are objectionable and even of questionable validity, and introducing the amended provisions in what would seem to be their proper place:

jurisdiction as it varies with respect to place, or, as an English lawyer would say, the law of venue (chapter 4):

Part II deals with proceedings of which the object is to compel the appearance of suspected persons. It contains five chapters upon the following subjects:—

- a preliminary enquiry by the Police (chapter 1);
- a complaint in order to the issue of a summons or warrant (chapter 2);
- a summons in slight cases (chapter 3);
- a warrant in cases of more importance (chapter 4);
- arrest without warrant in cases in which delay would be dangerous (chapter 5).

Part III deals with the treatment of the suspected person, whose appearance has been secured by one of the modes prescribed in Part II.

It begins by laying down the general rules that in all Criminal Courts whatever, the accused may be defended by Counsel, and that the places where inquiries and trials are held are open Courts (chapter 1).

It then points out the method of procedure in cases dealt with in a summary way by Magistrates on summons (chapter 2),

or in cases of greater importance, upon warrant, or committed for trial to the Sessions (chapter 3).

As any of the proceedings described in chapters 2 or 3 may, under certain circumstances, be conducted by Subordinate Magistrates, chapter 4 lays down the rules which are to obtain on this subject.

chapter 5 deals with trials before the Court of Session :

chapter 6 states the duties of assessors and jurors in such trials.

Part IV carries on the subject of trial by prescribing the action of the High Courts upon the Courts of first instance. This may be secured either by the act of the party, or by the act of the law, or by the act of the Court. Accordingly

chapter 1 relates to appeals, which depend upon the party :

chapter 2 relates to reference in capital cases, which is a process prescribed by the law :

chapter 3 relates to revision, which is exercised by the High Court in its discretion. As revision is carried on by means of the inspection of returns, and with reference to rules of procedure laid down by the High Court, the sections which empower it to issue such rules and call for such returns are embodied in this chapter.

The ordinary process of inquiry, trial, and final confirmation or reversal of the sentence by the High Court being now complete, the next matter to be considered is the execution of the judgment of the Court.

Accordingly, Part V deals with execution. It prescribes the mode in which warrants to execute sentences are to be issued, and lays down rules as to the levy and application of fines ; as to whipping, respecting which four sections have been transferred to this place from Act VI of 1864 ; as to the infliction of imprisonment ; the confinement of young persons in reformatories, and the execution of sentences of transportation and death. Finally, it contains a section as to pardon by which punishments may be remitted.

Part VI relates to the subject of evidence, and includes in separate chapters provisions as to general rules of evidence, the mode of taking down the evidence of witnesses, and the examination of accused persons, summonses to witnesses, and search-warrants.

Part VII relates to proceedings incidental to the inquiry and trial, the ordinary course of which has been thus provided for. These are—

bail, the formation of lists of jurors and assessors, and their attendance.

These rules are necessary to enable trials to be held by the Courts of Session. A few miscellaneous rules, which regulate the mode of disposing of property taken by the Police, warrants of commitment, the allowance of expenses of witnesses, and the employment of interpreters are contained in Part VII, chapter 3.

These are the usual incidents of inquiry and trial ; but a person under trial may be insane, or the orders of the Court may be disobeyed. Part VIII, on exceptional incidents, deals with these cases in chapter 1, which relates to lunatics, and chapter 2 which relates to contempts.

The manner of holding trials being now provided for, together with the common and exceptional processes incidental to them, the next subject is what, to borrow a phrase from English law, is called criminal pleading, that is to say, all that relates to written documents by which the questions to be tried are defined, and the result recorded.

These matters are regulated by Part IX.

chapter 1 relates to the charge or indictment ;

chapter 2 to the finding, judgment, and sentence ; and

chapter 3 to certain cases in which prosecutions cannot be instituted without the consent of specified persons. This completes that part of the Act which relates to the punishment of offences.

We come next to the provisions relating to the prevention of crime, which form the subject of Part X. They are—

security for keeping the peace (chapter 1) ;

security for good behaviour (chapter 2) ;

the abatement of nuisances (chapter 3) ;

settlement of questions about possession (chapter 4) ;

maintenance of wives and families (chapter 5).

Lastly, Part XI consists of three sections, prescribing the procedure in miscellaneous criminal cases and proceedings, and saving certain exceptional jurisdictions.

Only three important alterations have been made in the substance of the Code.

Firstly, section 47 confers summary jurisdiction on Full Power Magistrates in the Mofussil, who are also Justices of the Peace, over offences committed by European British subjects, on which a summons ordinarily issues in the first instance. It authorizes the infliction of a fine not exceeding rupees 500, and in default of payment, imprisonment for a term not exceeding two months. This is intended to replace 53 Geo. III cap. 155, section 105, Act VII of 1853, and Act XXV of 1861, section 42.



Secondly, section 176 (= section 226 of Act XXV) provides that where the accused is an European British subject, the committing Magistrate shall ask him whether he wishes to be tried by the High Court or the Court of Session. If the accused wishes to be tried by the High Court, he will be sent for trial accordingly. If he wishes to be tried by the Court of Session, the Magistrate will send the accused for trial to such one of these Courts as he thinks fit.

Thirdly, the provisions relating to the number of jurymen by whom a verdict may be given have been changed in accordance with the suggestion of the Commissioners. For the present cumbrous system, section 217 substitutes the simple rule that unanimity or a majority of not less than two-thirds with the concurrence of the Judge, shall be followed by conviction, and any other result by acquittal.

The following minor additions and alterations have been made:—

To section 17 (=section 21 of Act XXV) has been added a clause declaring that Justices of the Peace not being Magistrates shall be guided by the provisions of the Code.

Section 21 embodies Act XXIX of 1845, which gives power to appoint, in the Presidency of Bombay, Joint Sessions Judges.

Section 25 (= Act X of 1854, section 1) empowers Magistrates in charge of divisions of Districts in Bengal to receive and try certain charges unrefereed.

Sections 39 and 40 (= Act XXVIII of 1867, sections 1 and 2) validates processes signed by certain Magistrates in Petty Sessions.

Sections 48 to 54 (inclusive), as to offences in Foreign States, embody, as above remarked, the provisions of Act I of 1849. But the new sections apply only to subjects of Her Majesty and to persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India, and the offence must have been committed within territory included in or adjacent to some part of British India.

Section 62 (=section 32 of Act XXV) provides expressly that enquiry into the offences of thuggee and dacoity may be made in any District in which the accused happens to be when charged or arrested.

In section 108 (=section 71 of Act XXV) words have been introduced to show how the summons should be served on the accused.

To section 137 (=section 100 of Act XXV) a clause has been added empowering the Police to arrest without warrant deserters from the army. This is now the law in the Bombay Presidency, but not, apparently, elsewhere in British India.

In section 172 (=the second sentence of section 250 of Act XXV) words have been introduced showing that the Magistrate must be competent to try the offence and think he ought to try it.

To section 209 (=section 346 of Act XXV) a clause has been added requiring in all cases the jurors to be sworn.

Section 266 provides for the case of a sentenced prisoner being ill or pregnant. The new clause is modelled on Bombay Regulation XIV of 1827, section 3, clause 2.

Section 292 empowers the Local Governments to direct the evidence of complainants to be taken down in the Magistrate's vernacular. The corresponding section (196) of Act XXV applies only to the evidence of witnesses.

In section 352 (=section 329 of Act XXV) power is given to the Local Government to appoint an officer (other than the Collector) to make out the list of jurors and assessors.

To section 449 (=section 301 of Act XXV), which provides that, in default of giving security for good behaviour, the defaulter shall be committed to prison, a clause has been added providing that the imprisonment may be rigorous or simple, as the Court of Session in each case directs.

To section 457 (=section 63 of Act XXV, as to injunctions against public nuisances) has been added a clause expressly barring appeals against orders under that section.

Section 465 (= section 315 of Act XXV) saves Bombay Act VIII of 1867, section 16.

Section 466 (= section 318 of Act XXV) is extended to cases in which the disputing parties are in joint possession.

Section 469 (= Bengal Regulation XI of 1824, sections 2 and 3) provides for making local inquiries in order to determine boundary-disputes.

Various minor changes in wording, &c., have been made. Chapter XXIV has been omitted as useless; and certain recommendations of the Indian Law Commissioners have been reserved for careful consideration in Committee.

SIMLA ;  
The 27th August 1870. }

J. F. STEPHEN.

WHITLEY STOKES,  
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 34 of 1870.

## THE INDIAN PAPER CURRENCY BILL, 1870.

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## A BILL TO CONSOLIDATE THE LAW RELATING TO THE GOVERNMENT PAPER CURRENCY.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is enacted as follows:—

Preamble.

law relating to the Government Paper Currency; It is

enacted as follows:—

## I.—Preliminary.

Short title. 1. This Act may be called "The Indian Paper Currency Act, 1870."

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force on the passing thereof.

Acts repealed. 2. The Acts mentioned in the schedule hereto annexed are repealed.

All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

## II.—The Department of Issue.

3. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than ten rupees, as the Governor General in Council from time to time directs.

4. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

5. The Governor General in Council may from time to time, by order published in the *Gazette of India*,

establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively,

appoint in each circle some one city or town to be the place of issue of notes, as hereinafter provided,

establish in such city or town an Office or Offices of Issue, and

declare that, for the purposes of this Act, any such city or town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order.

6. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

7. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner:

the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and

the Deputy Commissioners in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectively.

8. All officers under this Act shall be appointed, and may be suspended or removed, by the Governor General in Council.

## III.—Supply and Issue of Notes.

9. The Head Commissioner of Issue shall provide promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

All such notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only—

at the Office or Offices of Issue of such city or town, and

at the presidency town of the Presidency within which such city or town is situate.

10. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery.

Names so impressed shall be taken to be valid signatures to all intents and purposes.

11. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the denominations prescribed under this Act, on the terms following:—

*First*, in exchange for the amount thereof in current silver coin of the Government of India; or,

*Secondly*, in exchange for the amount thereof in silver bullion or foreign silver coin at the rate of nine hundred and seventy-nine rupees per thousand tolas of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870:

Provided that in all places where there is no  
 Proviso. Mint of the Government of  
 India, any such Head Com-  
 missioner, Commissioners, and Deputy Commis-  
 sioners, may refuse to issue notes in exchange for  
 silver bullion or foreign coin under this section.

12. The Governor General in Council may  
 Issue of notes for gold. from time to time, by order  
 published in the *Gazette of India*, direct that notes to  
 an extent to be specified in the order, not exceed-  
 ing one-fourth of the total amount of issues re-  
 presented by coin and bullion as herein provided,  
 shall be issued at such Offices of Issue as are  
 named in the order, in exchange for gold coin of  
 full weight of the Government of India or for  
 foreign gold coin or gold bullion, at the rates and  
 according to the rules and conditions fixed by  
 such order.

13. The Head Commissioner, Commissioners, and  
 Deputy Commissioners may  
 Expense of melting and assaying bullion re-  
 ceived for notes. require any bullion or foreign  
 coin received under section  
 eleven or section twelve, to  
 be melted and assayed. Any loss of weight caused  
 by such melting or assay shall  
 Loss of weight. be borne by the person ten-  
 dering the bullion or coin.

14. Every person so tendering bullion or  
 foreign coin and depositing  
 Certificates for bullion. it in any Office of Issue  
 shall, after the expiration  
 of the time necessary for melting and assaying  
 the same, be entitled to receive therefor a certificate  
 signed by the person authorized to issue the notes  
 aforesaid.

Contents of certificate. Such certificate shall—  
 (a) acknowledge the receipt of such bullion or  
 foreign coin,  
 (b) state the amount of promissory notes of the  
 Government of India, or of such notes and cash, to  
 which the holder is entitled in exchange for such  
 bullion or coin,  
 (c) state the interval on the expiration of which,  
 if the certificate be presented to such office, the  
 holder shall be entitled to receive such amount.

15. Within any of the said Circles of Issue  
 Notes where legal tender. a note issued under this Act  
 from any Office of Issue in  
 such Circle, shall be a legal tender to the amount  
 expressed in such note, in payment or on account  
 of—

any revenue or other claim to the amount of  
 ten rupees and upwards due to the Government of  
 India,

any sum of ten rupees and upwards due by the  
 Government of India, or by any body corporate or  
 person in British India :

Provided that no such note shall be deemed to  
 be a legal tender by the Government of India at  
 any Office of Issue.

#### IV.—Reserve.

16. The whole amount of the coin and bullion  
 Bullion received for received under this Act for  
 notes to be kept as a notes shall be retained and  
 reserve. secured as a reserve to pay  
 such notes, with the exception of such an amount,  
 not exceeding sixty millions of rupees, as the  
 Except amount fixed as Governor General in Council,  
 minimum limit of circu- with the consent of the  
 lation. Secretary of State for India,  
 from time to time fixes.

17. The amount so fixed shall be published  
 Investment of such in the *Gazette of India* and  
 amount. the whole or such part thereof  
 as the Governor General in Council from time to  
 time fixes shall be invested in securities of the  
 Government of India: the said coin, bullion, and  
 securities shall be appro-  
 Appropriation of coin, priated and set apart to pro-  
 bullion, and securities. vide for the satisfaction and  
 discharge of the said notes; and the said notes  
 shall be deemed to have been issued on the security  
 of the coin, bullion, and securities so appropriated  
 and set apart, as well as on the general credit  
 of the Government:

Provided that any silver bullion or foreign coin  
 received under this Act may  
 Sale or exchange of be sold or exchanged for  
 bullion and foreign coin. silver coin of the Govern-  
 ment of India, and that any gold coin or bullion  
 received under this Act may be sold or exchanged  
 for silver coin or bullion to be so appropriated and  
 set apart instead of the gold coin or bullion.

For the purposes of this section, silver bullion  
 and coin shall be rated at ninety-eight rupees per  
 hundred tolas, and gold bullion and coin at the  
 rates fixed by the Governor General in Council  
 under section twelve.

18. The Government securities so purchased  
 shall be held by the Head  
 Trustees of securities Commissioner and the Master  
 purchased under Act. of the Mint at Calcutta, in  
 trust for the Secretary of State for India in  
 Council.

19. The Head Commissioner may, at any  
 time when ordered so to do  
 Power to sell such by the Governor General in  
 securities. Council, sell and dispose of  
 any portion of the above-mentioned limited amount  
 of Government securities.

For the purpose of effecting such sales, the  
 Master of the Mint at Cal-  
 Power to replace them. cutta shall, on a request in  
 writing from the Head Commissioner, at all times  
 sign and endorse such Government securities, and  
 the said Head Commissioner, if so directed by the  
 Governor General of India in Council, may pur-  
 chase Government Securities to replace such sales.

20. The interest accruing due on the securi-  
 ties purchased and held under  
 Interest on such securi- this Act shall be entered in  
 ties to be entered in a separate account, to be  
 a separate account. annually rendered by the



Head Commissioner to the Governor General in Council.

The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*.

V.—Miscellaneous.

21. An abstract of the accounts of the Department of Issue showing—  
Monthly abstracts of accounts. the whole amount of notes in circulation, the amount of coin and bullion reserved, distinguishing gold from silver, and the amount of the Government Securities held by the said Department, shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*.

22. All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings.

23. No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundí, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundís or notes payable to bearer on demand, of any such body corporate or of any such person:

Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

24. Any body corporate or person committing any offence under section twenty-three shall, on conviction before a Magistrate, be liable to a penalty to the amount of the bill, hundí, note or engagement in respect whereof the offence is committed.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissioner, or Deputy Commissioner; as the case may be, of the Circle of Issue in which such bill, hundí, note or engagement is drawn, accepted, made or issued.

Supplementary Powers.

25. The Governor General in Council may from time to time, by notification in the *Gazette of India*—

(1) fix the amounts (not being less than ten rupees) for which notes shall be issued under this Act,

(2) alter the limits of any of the said Circles of Issue,

(3) declare the places at which notes shall be issued under this Act,

(4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes,

(5) fix the charge for melting and assaying bullion and foreign coin received for Government promissory notes,

(6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive Government promissory notes,

(7) regulate any matters relative to Paper Currency which are not provided for by this Act,

(8) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act:

Provided that no notification under clause four of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

SCHEDULE.

Number and year of Act.	Title.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.
XXIV of 1861 ...	An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
I of 1866 ...	An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency.)
XXX of 1867 ...	An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency.)
XV of 1870 ...	An Act for the further amendment of Act No. XIX of 1861.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to the Government Paper Currency, which is now contained in four Acts, XIX of 1861, I of 1866, XXX of 1867, and XV of 1870. The opportunity has been taken to repeal the obsolete Act XXIV of 1861, and to improve the arrangement and wording of the existing law.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,  
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 35 OF 1870.

## EMIGRATION OF NATIVE LABOURERS' BILL.

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## A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

## I.—Preliminary.

Short title. 1. This Act may be called "The Indian Emigration Act, 1871."

Local extent. It extends to the whole of British India;

Commencement of Act. And it shall come into force on the passing thereof.

2. The Acts mentioned in the first schedule hereto annexed are repealed.  
 Acts repealed. All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

3. In this Act, unless there be something repugnant in the subject or context:—  
 Interpretation-clause.

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

The words "the Magistrate of the District" "The Magistrate of the District." denote any officer exercising in such District the full powers of a Magistrate:

The word "vessel" includes anything made for the conveyance by water of human beings or property.  
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## II.—Emigration Agents.

4. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to

act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

## III.—Protectors of Emigrants and Medical Inspectors.

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service



in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

10. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable dépôt for the persons engaged as labourers for such place.

11. Every dépôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the dépôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the dépôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the Emigrants in the various dépôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the dépôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

13. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the dépôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

15. Every Emigration Agent, and all persons in charge of or employed in any dépôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.

#### IV.—Recruiters of Labourers.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

17. Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

20. Every person holding a license as a Recruiter of labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—"Recruiter of Emigrants for the Mauritius" (or other place as the case may be).

21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

#### V.—Contracts with Emigrant Labourers.

22. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—  
to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;  
to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives. **23.** Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

**24.** The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three:

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

**25.** From the date of any such notification contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful. **26.** Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

#### VI.—Registration of Emigrants.

**27.** Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he

understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, name of the father, and the age, of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration depôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

**28.** Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

**29.** Every Native of India, who in the towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration depôt, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, the name of the father, and the age of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration depôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.



30. An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

31. For the registration of every Emigrant under section twenty-seven or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

\* On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

#### VII.—Conveyance of Emigrants to Depôts.

32. (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

(3.) Every Recruiter by or through whom Emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

#### VIII.—Arrival at Depôts and Procedure thereon.

33. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

34. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

35. If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

36. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

37. The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

38. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

39. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

#### IX.—Emigrant Vessels.

40. (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

(3.) Every such application shall state the number of men, women, and children proposed to be

carried, and the tonnage and other particulars respecting the vessel.

(4.) The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

(5.) The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

41. (1.) No certificate under section forty shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on-deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

42. (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any)



in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and

(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

(3.) When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

(5.) The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

43. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for

the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

#### X.—Embarkation.

45. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

48. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

49. (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

50. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

51. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master as aforesaid.

52. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

53. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

54. Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

55. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated,



in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

#### XI.—Supplementary Powers.

**56.** The Governor General of India in Council Power of the Governor General in Council to make rules. may from time to time make rules consistent with this Act,—

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

**57.** Whenever the Governor General in Council Power to prohibit emigration to any place to which emigration is allowed. has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

**58.** After any notification has been published Emigration to place mentioned to be suspended. under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

**59.** During the time of such suspension any During suspension, laws against emigration to be in force as to place specified. provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

**60.** Whenever the Governor General in Council Revocation of suspension. is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

**61.** Whenever the Governor General in Council Power to prohibit emigration. or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

**62.** The Governor General in Council may, Power to increase fees. from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

### XII.—Special Provisions as to French Colonies.

**63.** The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. *Nomination of Agents for Calcutta, Madras and Bombay.* Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty. *Proviso.*

**64.** The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid. *Powers of Agents.*

**65.** The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies. *Operations of recruitment.*

**66.** The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act. *Protector of Emigrants.*

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

**67.** All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates. *Contracts of service, with certain exceptions, to be made in India. Effect of contract.*

**68.** The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for— *Matters to be provided for in contract.*

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

**69.** The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony. *Power to extend Act to French Colonies not expressly named.*

Such declaration shall have the same effect as if it formed part of this section.

**70.** Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter. *Emigrant vessel to carry European Surgeon and Interpreter.*

### XIII.—Penalties.

**71.** Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code: *For making unlawful contract of labour.*

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

**72.** Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees. *For recruiting without being licensed.*

**73.** Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed



by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt;

and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

74. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

75. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

76. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

77. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees, and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer, or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

## XIV.—Miscellaneous.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, be deemed to be as follows:—

## FROM CALCUTTA:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies	...	Twenty weeks.
To French Guiana	...	Twenty-six weeks.
To Natal	...	Twelve weeks.

## FROM MADRAS:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana	...	Nineteen weeks.
To Natal	...	Ten weeks.

## FROM BOMBAY:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana	...	Nineteen weeks.
To Natal	...	Ten weeks.

84. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

85. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

86. Nothing in this Act or in any rule to be made by the Governor General of India in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

## THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.
XLVI of 1860.	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862.	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)
XIII of 1864.	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869.	To amend the law relating to the Emigration of Native Labourers.
VI of 1870.	To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

## THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of

A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the      day of

(Signed) C. D.,

Protector of Emigrants.

## THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[Ratifications exchanged at Paris, July 30th, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a



Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary, and Plenipotentiary to the Emperor of the French ;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles :—

#### ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

#### ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

#### ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

#### ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

#### ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

#### ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

#### ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

#### ARTICLE VIII.

The contracts shall, moreover, make stipulation for :—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

#### ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

#### ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

#### ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

#### ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

#### ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles, between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

#### ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

#### ARTICLE XV.

In every vessel employed for the conveyance of Emigrants, subjects of Her Britannic Majesty, the Emigrants shall

occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

#### ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

#### ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

#### ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

#### ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

#### ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

#### ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

#### ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

#### ARTICLE XXIII.

The labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

#### ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

#### ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

#### ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

#### ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.

(L. S.) THOUVENEL.



## ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L. S.) COWLEY.

(L. S.) THOUVENEL.

## STATEMENT OF OBJECTS AND REASONS.

This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1867, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of cooly emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

*The 30th November 1870.*

WHITLEY STOKES,

*Secy. to the Govt. of India.*

*Printed and Published for the GOVT. OF INDIA, at the Office of SUPDT. GOVT. PRINTING, 8, Hastings Street, Calcutta.*






# The Gazette of India.

Published by Authority.

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CALCUTTA, SATURDAY, DECEMBER 24, 1870.

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in three months:—

No. 33 of 1870.

### CRIMINAL PROCEDURE BILL.

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- 464. Injunction pending enquiry by jury.
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CHAPTER IV.—*Possession.*

- 466. Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.  
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- 467. If previous possession cannot be ascertained, Magistrate may attach subject of dispute.
- 468. Disputes concerning right of use of land or water.
- 469. Local enquiry to determine boundary dispute.
- 470. Saving of powers of Collectors and Revenue Courts.

CHAPTER V.—*Of the Maintenance of Wives and Families.*

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- 472. Alteration in allowance.

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- 473. Procedure in miscellaneous criminal cases and proceedings.
- 474. Saving of jurisdiction of Presidency Police Magistrates.
- 475. Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

A BILL FOR REGULATING THE PROCEDURE OF THE COURTS OF CRIMINAL JUDICATURE NOT ESTABLISHED BY ROYAL CHARTER.

**Preamble.** WHEREAS it is expedient to consolidate and amend the law regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is hereby enacted as follows:—

**PRELIMINARY.**

**Short title.** 1. This Act may be called "The Code of Criminal Procedure."

**Local extent.** It extends to the whole of British India;

**Commencement.** And it shall come into force on the first day of March, 1871.

**Repeal of enactments.** 2. The enactments mentioned in the first schedule hereto annexed are repealed.

References to any of the said enactments made in any Act passed subsequently thereto shall be read as if made to the corresponding section of this Act.

Notifications published and orders made under any section of any Act hereby repealed shall be deemed to have been published and made under the corresponding section of this Act.

**Definitions.**

**3.** The following words and expressions in this Act have the meanings hereby assigned to them, unless there be something repugnant in the subject or context:—

**"Special law."** 4. The words "special law" denote a law applicable to a particular subject.

**"Local law."** 5. The words "local law" denote a law applicable only to a particular part of British India.

**6.** The words "enquired into" comprise every proceeding preliminary to trial; and the word "determined" comprises trial and every subsequent proceeding, including the punishment of the offender.

**7.** The word "written" includes "printed," "lithographed," and "engraved."

**8.** The words "Criminal Court" denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance, or on appeal, or for commitment to any other Court or officer.

**9.** The words "Court of Justice" denote a Judge, as defined in the Indian Penal Code, who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

**10.** The words "Court of Session," subject to the limitations in section 18, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

**11.** The words "Magistrate of the District" mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such officer is called.

**12.** The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate.

**13.** The words "the powers of a Magistrate" mean the full powers of a Magistrate.

The words "any of the powers of a Magistrate" denote powers less than the full powers of a Magistrate.

**14.** The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District, vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

**15.** The words "local limits of a High Court" mean local limits of the ordinary original criminal jurisdiction of a High Court.

**16.** This Act is divided into eleven Parts relating to the following subject-matters:—

The first Part—to jurisdiction.

The second Part—to proceedings to compel appearance.

The third Part—to inquiry and trial.

The fourth Part—to appeal, reference and revision.

The fifth Part—to execution.

The sixth Part—to evidence.

The seventh Part—to procedure incidental to inquiry and trial.

The eighth Part—to exceptional incidents.

The ninth Part—to pleading.

The tenth Part—to the preventive jurisdiction of Magistrates.

The eleventh Part—to miscellaneous provisions.

**PART I.**

**JURISDICTION.**

**CHAPTER I.—Ordinary Jurisdiction of the Courts.**

**17.** The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code, or under any special or local law for the time being in force (except offences which are by any such law made punishable by some other authority therein specially mentioned), and shall be guided by the provisions of this Act in the inquiry into and determination of the offences hereby declared to be within their jurisdiction.

Justices of the Peace not being Magistrates shall also be guided by the provisions of this Act.



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Justices of the Peace not being Magistrates shall also be guided by the provisions of this Act.



18. The offences mentioned in the second schedule hereto annexed shall, subject to the provision contained in the third explanatory note prefixed to the said schedule, be triable by the Courts specified in column seven of the said schedule.

Powers of Court of Session.

Death (subject to confirmation by the High Court);

transportation;

imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law;

or fine to an unlimited amount;

or both transportation and fine;

or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code.

In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

20. In the Presidency of Bombay a Sessions Judge may delegate cases for trial by an Assistant Sessions Judge: and the Assistant Sessions Judge may, in such cases, pass sentences within the following limits:—

Imprisonment for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both.

If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge.

The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance or reduce), or may reverse their sentences or orders.

An Assistant Sessions Judge shall not review or hear an appeal against the proceedings of a Magistrate.

21. In the Presidency of Bombay, the Local Government may, with the previous consent of the Governor General in Council, appoint in any District a Joint Sessions Judge, who shall be invested with co-extensive powers and a concurrent jurisdiction with the Court of Session, except that he shall not receive original complaints, but shall transact such criminal business only as he receives from the Sessions Judge of the District.

The Rules and Regulations for the time being in force for the guidance of the Sessions Judge shall apply to the Joint Sessions Judge, and the seal of the Joint Sessions Judge shall be the same as is used by the Sessions Judge of the District.

22. The Magistrate of the District or other officer authorized to exercise the powers of a Magistrate may pass the following sentences:—

Imprisonment not exceeding the term of two years, including such solitary confinement as is authorized by law;

or fine to the extent of one thousand rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or officers authorized to exercise any of the powers of a Magistrate may pass the following sentences:—

Powers of Subordinate Magistrates, First Class.

First Class. Imprisonment not exceeding six months;

or fine not exceeding two hundred rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Second Class.

Second Class. Imprisonment not exceeding one month;

or fine not exceeding fifty rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under section 73 of the Indian Penal Code, shall be passed by any Court inferior to an officer exercising the powers of a Magistrate.

23. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

24. The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

25. In the Lower Provinces and in the North-Western Provinces of the Presidency of Fort William in Bengal, any Magistrate in charge of a Division of a District may receive and try (without reference by the Magistrate of the District) all or any of such charges as he is now competent to try upon reference by the Magistrate of the District.

## CHAPTER II.—Special Jurisdiction conferred by Government.

26. In any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of this Act to pass sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

27. Such chief officer shall try as a Court of Session offences which, under the second schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by

the provisions hereinafter contained relating to trials before Courts of Session.

**28.** The Local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in section 22, with a view to the exercise by such person, within such local limits as the Local Government shall from time to time prescribe, of such powers under this Act or under any special or local law.

**29.** With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks proper, to any officer under its control, the power conferred upon it by section 28.

**30.** The Local Government may, by notification in the official Gazette prescribe the local jurisdiction of a Magistrate of the District as defined by section 11, and may by such notification from time to time alter such jurisdiction.

**31.** The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 14 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

**32.** The Local Government may, with such limitations as it thinks proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 24, 94, 368, 458, 466 and 471.

**33.** The Local Government may empower any Subordinate Magistrate of the first or second class not invested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any High Court, and may empower him to commit, or hold to bail, persons to take their trial before such Court of Session or High Court, and to exercise all the powers necessary for such purpose.

**34.** The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 33.

**35.** The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases

either on complaint preferred directly to themselves or on the report of a Police officer.

**36.** The Local Government may vary or cancel any powers with which any person may have been invested under this Act or any enactment hereby repealed.

**37.** When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

**38.** Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act or any enactment hereby repealed in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government otherwise directs, continue to exercise the same powers in the District to which he is so transferred.

**39.** When two or more persons authorized to exercise all or any of the powers of a Magistrate sit together for the despatch of business in any place, any summons, warrant or process or other proceeding, and any order, judgment, finding or sentence, signed by any two or more of them, shall be as valid to all intents and purposes as if it were solely signed, when the powers of one or more of them are higher than the powers of the others or other of them, by such one of them as has, or by one of such of them as have, been invested under section 28 with the highest of such powers, or, when their powers are equal, by any one of them.

**40.** All sentences heretofore passed by any Magistrates sitting together as aforesaid, shall be deemed to be as valid as if this Act had then been passed.

### CHAPTER III.—Jurisdiction as to Persons.

**41.** The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras and Bombay, respectively, or by this Act or any other Act of the Governor General of India in Council, are, or shall be, exempted from their jurisdiction.

**42.** No person shall, by reason of place of birth, or by reason of descent, be exempt from the rules of criminal procedure contained in this Act:

Provided that nothing in this section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.



**43.** The Magistrate of the District, or any other officer exercising the powers of a Magistrate, may hold the preliminary enquiry into any cases triable by a High Court and may commit or hold to bail persons to take their trial before such Court, and may exercise all the powers necessary for such purpose.

**44.** Any Justice of the Peace may, and no other person shall, commit, or hold to bail, any European British subject to take his trial before a High Court.

**45.** When a European British subject is charged with an offence triable by a High Court, any Magistrate, or any subordinate Magistrate if he is empowered under section 33, but not otherwise, may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

**46.** When a European British subject has been arrested under a warrant issued under section 45 by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or, if the offence with which such person is charged is bailable and if sufficient bail be tendered, shall admit him to bail for his appearance before a Justice of the Peace.

When the person accused is brought or appears before a Justice of the Peace under this section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the High Court.

**47.** Every person exercising the full powers of a Magistrate, and being also a Justice of the Peace, shall have power to enquire into and determine in a summary way complaints of offences committed by a European British subject outside the local limits of the ordinary original criminal jurisdiction of the High Courts, and on which a summons ordinarily issues in the first instance, and, in case of conviction, to inflict on the offender a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding two months, in some place of confinement within the District, which, in the opinion of the Magistrate, is fit for receiving such offender, or, if there be no such place, then in the Presidency gaol.

**48.** All European and other subjects of Her Majesty,

and all persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India,

who are apprehended within British India or delivered into the custody of a Magistrate within British India wherever apprehended,

shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State included within or adjacent

to any part of British India, and may be bailed or committed for trial as hereinafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence if it had been committed within British India.

**49.** The committing Magistrate, immediately before the trial, shall report every such case to the Local Government, and shall obey the orders which he receives thereon.

**50.** The Local Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within British India.

**51.** When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by officers acting under the authority of Her Majesty, in which territory a Court competent to try the person charged for the offence is established by authority of the Governor General of India in Council, the Local Government may order such person to be conveyed in custody, out of British India, for the purpose of delivering him up for trial before such Court.

**52.** When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of the Local Government can be received and acted on;

when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of the Local Government, and on such subsequent days as the Magistrate from time to time requires;

and if the Local Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

**53.** In either case, the special order of the Local Government shall be deemed full authority, either for the trial and punishment of the person charged within British India, or for conveying him in custody out of British India as aforesaid.

**54.** The authority given to the Local Government by sections 48 to 53 (inclusive) may be also exercised by any Commissioner or other person acting in the Civil Service of Her Majesty, to whom the Governor General in Council delegates authority to receive reports and give orders in cases within section 48.

#### CHAPTER IV.—Where Offences shall be tried.

**55.** Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District in which the offence was committed:

Trial to be ordinarily in district where offence committed.

Provided that nothing in this section shall exempt European British subjects from being tried and convicted before the High Courts for offences committed beyond the local limits of such Courts.

**56.** When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District in which any such thing has been done or any such consequence has ensued.

**57.** The abetment of an offence, wherever such abetment has taken place, may be enquired into or determined in any District in which the offence abetted may be enquired into or determined by any Court having jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed;

or the abetment may be enquired into or determined in any District within which the abettor has done anything for abetting the commission of such offence.

**58.** When any offence is committed on the boundary or boundaries of two or more Districts, whether subject to the same Local Government or not,

or is begun in one District and completed in another, whether such Districts be subject to the same Local Government or not,

such offence may be enquired into or determined in any of such Districts, in the same manner as if it had been actually and wholly committed therein.

**59.** When any offence is committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey,

or is committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation,

such offence may be enquired into or determined in any District through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if the offence had been actually and wholly committed in such District;

and in all cases where the side, middle or other part of any highway, or the side, bank, middle or other part of any such river, canal, or navigation, constitutes the boundary of any two Districts, such offence may be enquired into or determined in either of such Districts, through or adjoining to, or by the boundary of, any part whereof such coach, cart, carriage, conveyance, beast of burden or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if it had actually and wholly been committed in such District.

**60.** If any person is charged with any offence punishable under section 411, 412 or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District in which such person has, or has had, such stolen property in his possession, or in any District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

**61.** If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

**62.** Whenever any person is charged with being a thug,

Thuggee, dacoity.

or with murder as a thug,

or with dacoity with or without murder,

or with having belonged to a gang of dacoits,

or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits,

the offence may be enquired into in any District in which the accused person happens to be when charged or arrested, by any Magistrate competent to commit to a Court of Session,

and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

**63.** If any person escapes from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence,

or is charged with any offence punishable under section 227 of the Indian Penal Code, or under section 12 of Act No. XXIV of 1855 (*relating to Penal Servitude*),

the offence may be enquired into or determined, either in the District in which such person is apprehended and re-taken, or in the District in which he was formerly tried, or, in the case of an escape from custody, in the District in which he has escaped from custody.

**64.** Whenever any doubt arises as to the District in which any offence should be enquired into or determined, the High Court within whose jurisdiction the offender is apprehended may decide in which District the offence shall be determined.

**65.** The High Court may order the transfer of any particular criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction, or may order that any offence shall be enquired into or determined in any District or division of



a District, other than that in which the offence has been committed,

whenever it appears to such High Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

## PART II.

### PROCEEDINGS TO COMPEL APPEARANCE.

#### CHAPTER I.—*Preliminary Enquiry by Police.*

66. Any Magistrate may, upon the report of a Police officer or otherwise, direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

67. Any Police officer may, without an order from a Magistrate, enquire into and take cognizance of the offences described in column three of the second schedule annexed to this Act as offences for which a Police officer may arrest without warrant, but he shall not, without such order, enquire into or take cognizance of any other offences except as herein-after provided.

68. Nothing in section 67 shall be held to interfere with the exercise of any powers vested in a Police officer by any special or local law, or with the performance of any duty which is imposed upon a Police officer by any such special or local law.

69. Every person aware of the commission of any offence made punishable under sections 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 or 460 of the Indian Penal Code, shall give information of the same to the nearest Police officer, whenever such person has reason to believe that, if such information be withheld, the offender may not be brought to justice, or may have his escape facilitated.

70. Every complaint or information preferred to an officer in charge of a Police station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by him in the form prescribed by the Local Government.

71. Upon complaint or information being preferred to an officer in charge of a Police station of the commission, within the limits of such station, of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without warrant, he shall send immediate intimation to the Magistrate of the District or the Magistrate in charge of a division of the District, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an officer exercising any of the powers of a Magistrate to proceed, to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

72. Provided that, when any complaint is made against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an enquiry on the spot, unless such local enquiry appears to be necessary.

73. Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

74. An officer in charge of a Police-station may, by an order in writing, require the attendance before himself of any person being within the limits of his station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under section 71, and such person shall obey such requisition.

75. An officer in charge of a Police-station or other Police officer making an enquiry may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

No statement so reduced into writing shall be signed by the person making it, nor shall it be treated as part of the record nor used as evidence.

76. No Police officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

77. No Police officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence:

Provided that nothing in this section shall preclude a Police officer from reducing any such statement or admission or confession into writing for his own information or guidance.

78. No confession or admission of guilt made to a Police officer, shall be used as evidence against a person accused of any offence.

79. No confession or admission of guilt made by any person whilst he is in the custody of a Police officer, shall be used as evidence against such

person, unless it be made in the immediate presence of a Magistrate.

80. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence, or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

81. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the officer in charge of the Police-station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate.

When any subordinate Police officer has made any enquiry under this chapter, he shall, if so required by the officer in charge of the Police-station, submit a report of such enquiry to him, or he may do so without such requisition, and the officer in charge of the Police-station shall then proceed as if he had made the enquiry himself.

82. No Police officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; and such period shall in no case exceed twenty-four hours.

If the enquiry has not been completed within twenty-four hours, and if there are grounds for believing that the accusation is well founded, the officer in charge of the Police-station shall forward the accused person to the Magistrate, with a short despatch stating the offence for which he has been arrested.

83. If it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, such officer shall release the accused person on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

84. A Police officer making an enquiry under this chapter, shall day by day enter his proceedings, in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry.

He shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he considers it to be important that such Magistrate shall know.

The Magistrate of the District may call for and inspect such diary.

In cases where there is no District Superintendent of Police, the Police officer shall forward

day by day a copy of the diary to the Magistrate of the District.

Such diary shall not be evidence of the facts stated therein, except against the Police officer who made it.

85. The enquiry shall be completed without unnecessary delay, and, as soon as it is completed, the Police officer making the same shall forward to the Magistrate a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also send to the Magistrate any weapon or article which it may be necessary to produce before him.

The Police officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance.

If the accused person be detained in custody, the Police officer shall state the fact and the cause of his detention.

86. A person accused of any offence entered as not bailable in column five of the second schedule hereto annexed, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him.

But a person accused of any offence entered as bailable shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

87. The bail to be taken under section 86 shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person before the Magistrate on or before a fixed day, to answer the complaint.

88. Every prosecutor and witness whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the Form (E) given in the appendix hereto, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Such day shall be the day whereon the accused person is to appear, if he has been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

89. A Police officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require him to give any other security for his appearance than his own recognizance.



But if any prosecutor or witness refuses to attend, or to execute the recognizance directed in section 88, the officer in charge of a Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing before the Magistrate.

**90.** Officers in charge of Police-stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

No person who has been apprehended shall be discharged, except on bail or on his own recognizance, or under the special order of a Magistrate.

**91.** The officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When there is any doubt regarding the cause of death, the Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay, the Head of the village shall make the enquiry and report as aforesaid.

**92.** The powers to be exercised by an officer in charge of a Police-station under this chapter shall be exercised, in the event of his absence or illness, by the Police officer next in rank present at the Police-station, above the rank of a constable.

#### CHAPTER II.—Of Complaint in order to the issue of a Summons or Warrant.

**93.** A summons or warrant of arrest may be obtained on a complaint.

**94.** When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District or a Magistrate authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant.

The examination shall be reduced into writing and signed by the complainant, and also by the Magistrate.

**95.** The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or, in cases in which a warrant may issue, his warrant, for causing the person accused to appear before himself or some other Magistrate having jurisdiction.

If in the judgment of the Magistrate before whom the complaint is made there be no sufficient ground for proceeding, he shall dismiss the complaint.

**96.** Except as is otherwise provided in Part X of this Act, the Magistrate of the District, or a Magistrate in charge of a Division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or, in cases where a warrant may issue, a warrant of arrest, against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

The provisions of this section shall not apply to the offences described in chapters XIX, XX and XXI of the Indian Penal Code.

**97.** When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with fine only or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

**98.** If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what the Magistrate deems a reasonable time before the time therein appointed for appearing to the same,

or if it appears to the Magistrate that, after due diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

**99.** When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months,

or when a complaint is made before any Magistrate or Subordinate Magistrate or other officer empowered to commit persons for trial before the Court of Session that any person has committed

or is suspected of having committed any offence triable exclusively by the Court of Session or which in the opinion of such Magistrate or officer ought to be tried by the Court of Session,

such Magistrate may issue his warrant to arrest such person, or, if he thinks fit, his summons requiring him to appear to answer such complaint.

**100.** If the Magistrate sees cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police officer, or in such other mode as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such enquiry is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police officer, such person shall exercise all the powers conferred by this Act on an officer in charge of a Police-station, except that he shall have no power to make an arrest.

Nothing contained in this section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

**101.** It shall be in the discretion of the Magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if he be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release from custody the person complained against.

In the event of bail being given, the officer shall forward the bail-bond to the Magistrate.

**102.** Whether a warrant or a summons be issued, the Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the accused person and permit him to appear by an agent duly authorized to act in his behalf.

But it shall be in the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of the accused person.

**103.** If any person accused of an offence absconds or conceals himself, so that, upon a warrant issued against him, he cannot be found, the Magistrate shall, if satisfied that he absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days.

The proclamation shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides, and shall be affixed on some conspicuous part of his ordinary

place of abode, or on some conspicuous place of such town or village.

A copy of the proclamation shall also be affixed on some conspicuous part of the Magistrate's Court-house.

**104.** The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom the order is endorsed.

The attachment under this section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and, in all other cases, by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate deems proper.

If the absent person does not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six months, unless it is of a perishable nature, or the Magistrate considers that the sale would be for the benefit of the owner.

**105.** When any person whose property has been declared to be at the disposal of Government under section 104, appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the proceeds thereof, shall be restored to him.

#### CHAPTER III.—Of the Summons.

**106.** Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the Form (A) given in the appendix to this Act, or to the like effect.

**107.** A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

**108.** The summons shall be served on the accused personally, by exhibiting the original and delivering or tendering a copy to him, or, in case the accused person cannot be found, the copy may be left for him with some adult male member of his family residing with him.

**109.** When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving officer shall fix a copy of the



summons on some conspicuous part of the house in which the accused person ordinarily resides.

**110.** A Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

**111.** The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

**112.** The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

#### CHAPTER IV.—Of the Warrant.

**113.** Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the Form (B) given in the appendix to this Act, or to the like effect.

**114.** A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

**115.** When a warrant is directed to a person other than a Police officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

**116.** A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

**117.** A warrant directed to a Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom the warrant is directed.

**118.** The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed.

The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

**119.** Every person is bound to assist a Magistrate or Police officer demanding his aid in the prevention of a breach of the peace,

or in the suppression of a riot or an affray, or in the taking of any other person whom such Magistrate or Police officer is authorized to arrest.

**120.** A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

**121.** When any person against whom a warrant is issued by a Magistrate escapes, goes into, or is in, any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place.

If the person against whom the warrant is issued is arrested in such place, the Police officer or other person executing the warrant shall (subject to the provisions of section 122) take him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made.

If the offence with which the person arrested is charged be bailable, and he is willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom he is brought shall take bail of him for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued.

If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued.

If the arrest be made within the local limits of a High Court, the person accused, when arrested, shall be taken before the Chief Commissioner of Police or a Police Magistrate.

Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or, if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

**122.** If the place of arrest under section 121 be within twenty miles from the place at which the warrant was issued, the person arrested may be taken, in the first instance, before the Magistrate who issued the warrant.

**123.** A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 121.

**124.** A warrant issued under section 121 for execution within the local limits of a High Court, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in section 121.

**125.** On the arrest of a person for whose apprehension a warrant has been issued under the provisions of section 111, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable.

When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the High Court.

**126.** If the arrest was made under a warrant issued under section 111 by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence of which the person arrested is suspected has been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under section 111 shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

**127.** A Police officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

**128.** In making an arrest, the Police officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

**129.** If a person against whom a warrant of arrest is issued forcibly resists the endeavour to arrest him, the Police officer or other person executing the warrant may use all means necessary to effect the arrest.

**130.** If there is reason to believe that any person against whom a warrant has been issued has entered into, or is within, any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police officer or other person executing the warrant, to allow such Police officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

**131.** The Police officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

**132.** If information be received that a person accused of any offence for which a warrant may issue is concealed in an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Police officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person.

If the accused person does not deliver himself up, the Police officer or other person authorized to execute the warrant may notify his authority and purpose, and demand admittance.

If after such notification and demand he cannot otherwise obtain admittance, he shall give notice to any woman as aforesaid in such apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and afford her every reasonable facility for withdrawing, and may then break open the apartment and execute the warrant.

**133.** The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

**134.** The officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

**135.** No Police officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure.



But no Police officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

**136.** The provisions relating to a warrant and its service and issue contained in this chapter, shall be applicable to every warrant of arrest issued under this Act.

#### CHAPTER V.—*Arrest without Warrant.*

**137.** A Police officer may, without orders from a Magistrate and without a warrant, arrest,—

*First.*—Any person who in the sight of such Police officer shall commit an offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

*Secondly.*—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

*Thirdly.*—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

*Fourthly.*—Any person who is a proclaimed offender.

*Fifthly.*—Any person found with stolen property in his possession.

*Sixthly.*—Any person who obstructs a Police officer while in the execution of his duty, and,

*Seventhly.*—Any deserter from Her Majesty's Army or Her Majesty's Indian Army.

**138.** Any person known or suspected to have committed an offence for which a Police officer is not authorized to arrest without a warrant, and who refuses on demand of a Police officer to give his name and residence, or gives a name or residence which there is reason to believe to be false,

may be detained by such Police officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

**139.** An officer in charge of a Police-station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen,

or who is of notoriously bad livelihood.

**140.** Every Police officer shall prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

**141.** Every Police officer receiving information of a design to commit any such offence, shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whom it may concern to prevent or take cognizance of the commission of any such offence.

**142.** A Police officer knowing of a design to commit any such offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

**143.** A Police officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water-channel,

or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

**144.** If there is reason to believe that any person liable to arrest under this chapter without a warrant, of whom a Police officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police officer, to allow ingress therein, and all reasonable facilities for a search therein.

**145.** If ingress to such house or place cannot be obtained under section 144, the Police officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate.

If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police officer may make an entry into such house or place and search therein.

**146.** A Police officer making an arrest under this chapter shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

**147.** When any offence is committed in the presence of a Magistrate, he may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

**148.** A Magistrate or officer in charge of a Police-station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

**149.** If a person lawfully arrested under the provisions of this Act escapes or is rescued, the Police officer or other person from whose custody the person so arrested has escaped or has

been rescued, may make fresh pursuit, and take him in any place, either within or without the jurisdiction where he was so in custody, and may deal with such person as such Police officer or other person might have done on an original taking.

**150.** In order to re-take any person, as provided in section 149, the Police officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

**151.** When any officer in charge of a Police-station requires any officer subordinate to him to make without a warrant an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 119 and 127 to 133 (inclusive) shall apply to every order in writing issued under this section.

**152.** For the purpose of arresting any person accused of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without a warrant, a Police officer may pursue any such person into the limits of another Police officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same Local Government or not.

**153.** Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

### PART III.

#### INQUIRY AND TRIAL.

##### CHAPTER I.—Preliminary.

**154.** Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders.

Any such person may, with the permission of the Court (but not otherwise), employ any mukhtár or other person not being a barrister, attorney, or pleader, to assist him in his defence.

**155.** The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or

the High Court or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But any such Court may, if it think fit, order that, during the investigation into any particular case triable by a Court of Session or by the High Court, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

##### CHAPTER II.—Cases usually tried by Magistrates upon Summons.

**156.** The following procedure shall be observed in cases usually tried by Magistrates upon summons.

**157.** If upon the day appointed, the accused person appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit him to bail, or allow him to be at large upon his personal recognizance, as the Magistrate directs.

If the accused person cannot give bail when required to do so, he shall be committed to custody.

**158.** If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless for some reason he thinks proper to adjourn the hearing of the same to some other day, upon such terms as he thinks fit.

**159.** On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

**160.** If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

**161.** Before or during the hearing of any complaint, the Magistrate may adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If the complainant does not appear the Magistrate may dismiss the complaint.



**162.** Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable.

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and, in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum is sooner paid.

**163.** If a complainant at any time before a final order is passed in any case under this chapter satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw it.

A complaint withdrawn under this section shall not again be entertained.

**164.** If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record a judgment of acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the agent, if the accused person has been permitted to appear by agent, or the accused person may be required to attend to hear such sentence.

CHAPTER III.—*Cases usually tried by Magistrates upon Warrant, and preliminary inquiries before Magistrates in cases triable by the Court of Session.*

**165.** The following procedure shall be observed in cases usually tried before Magistrates upon warrant and in preliminary inquiries before Magistrates in cases triable by the Court of Session.

**166.** When the person against whom the warrant is issued appears or is brought before the Magistrate, or if his personal attendance is dispensed with, when the Magistrate thinks fit, the Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

**167.** The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his agent when his personal

attendance is dispensed with and he appears by agent.

The accused person or his agent shall be permitted to cross-examine the complainant and his witnesses.

**168.** The Magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the enquiry.

**169.** The Magistrate may from time to time, at any stage of the enquiry, examine the accused person, and put such questions to him as he considers necessary.

It shall be in the option of the accused person to answer such questions.

**170.** If from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to defer the examination, or further examination, of witnesses, the Magistrate may, by a written order, from time to time, adjourn the enquiry, and remand the accused person for such time as is deemed reasonable, not exceeding fifteen days:

Provided that, instead of detaining the accused person in custody during the period for which he is so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

**171.** When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate considers necessary, have been taken, the Magistrate, if he finds that no offence has been proved against the accused person, and that there are not sufficient grounds for committing him to take his trial before the Court of Session, shall discharge him.

**172.** If the Magistrate finds that an offence is apparently proved against the accused person, which falls within the definition in a certain section of the Indian Penal Code, or within one or other of the definitions in several sections of the said Code, and if the Magistrate is competent to try such offence and thinks he ought to try it, he shall prepare in writing a charge against the accused person.

**173.** The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

**174.** If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

**175.** If the Magistrate finds the accused person not guilty, he shall record judgment of acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

176. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall ask the accused person whether he wishes to be tried by the High Court or the Court of Session,

and if the accused person says that he wishes to be tried by the High Court, he shall be sent for trial accordingly.

But if he says that he wishes to be tried by the Court of Session, the Magistrate shall, in his discretion, send the accused person for trial before the Court of Session or the High Court, as the Magistrate thinks fit.

177. When the Magistrate determines to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct him to be tried by such Court on such charge.

A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the public prosecutor or to the officer appointed to conduct the prosecution.

178. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation thereof shall be furnished to him, if he so require.

179. The accused person shall be required at once to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or High Court.

It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time.

180. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case.

When a commitment is made to the High Court, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record is not in English, a translation thereof in English shall be forwarded therewith.

181. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions. Such copies shall be made at his expense.

182. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge.

Nothing in this section shall preclude the Magistrate, if he thinks fit, from appointing a person other than such Government Pleader or officer to conduct the prosecution.

#### CHAPTER IV.—*Inquiry by Subordinate Magistrates.*

183. Criminal cases brought before the Magistrate of the District or a Subordinate District Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police officer, may be referred by such Magistrate to any Magistrate subordinate to him.

The reference shall be for enquiry or for trial, if the offence be triable by such Subordinate Magistrate,

or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session,

or with a view to commitment to the High Court if such Subordinate Magistrate is competent to commit to the High Court:

Provided that nothing in this section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

184. When a criminal case is referred under this chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police officer, shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

185. In the enquiry into or trial of cases under this chapter, the Subordinate Magistrates shall be guided by the rules herein prescribed for the guidance of the Magistrate of the District in similar cases;

Police officers and others shall be bound to obey all orders and processes issued in such cases, in like manner as if such orders or processes had been issued by the Magistrate of the District.



186. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial,

he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District directs.

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial.

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

187. Whenever a Subordinate Magistrate having jurisdiction finds the accused person guilty, and considers that he ought to receive a more severe punishment than the Subordinate Magistrate is competent to adjudge, the Subordinate Magistrate may record the finding and submit his proceedings to the Magistrate to whom he is subordinate.

Such Magistrate, if he thinks fit, may examine the parties and recall and examine any witness who has already given evidence in the case, and he may call for or take any further evidence, and shall pass such sentence or order in the case as he deems proper, and as is according to law.

Or the Subordinate Magistrate may, if he is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such Court, commit the accused person for trial before the Court of Session instead of finding him guilty.

#### CHAPTER V.—Trial by Court of Session.

188. Except in the cases referred to in section 421, no Court of Session shall take cognizance of any offence as a Court of original criminal jurisdiction except upon a charge preferred by a Magistrate or other officer specially empowered under this Act or under any other law to make commitments to such Court.

189. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

190. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors as hereinafter directed, and to try the case.

191. In every trial before a Court of Session, the prosecution shall be conducted by the Government Pleader or by some other officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

192. The examination of the accused person before the Magistrate shall be given in evidence at the trial.

The attestation of the Magistrate shall be sufficient *prima facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court sees reason to doubt its genuineness.

193. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

At the close of the evidence, if any is produced on behalf of the accused person, and if not, at the close of the case for the prosecution, the Court may examine the accused person as hereinafter provided, after which he or his Counsel or agent may address the Court on the subject of such examination.

194. The accused person or his Counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

195. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the Counsel or agent for the prosecution, shall be entitled to reply.

196. If the accused person is acquitted, the Court shall record a judgment of acquittal.

If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law.

197. The Court may, in its discretion, from time to time adjourn the trial.

198. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

CHAPTER VI.—*Duties of Assessors and Juries in trials by Court of Session.*

**199.** In all trials before the Court of Session, there shall be either assessors or jurors, of whom lists shall be formed, and who shall be summoned to attend the sittings of the Court of Session, in the manner hereinafter provided.

**200.** In a trial before the Court of Session, not by jury, the trial shall be conducted with the aid of two or more assessors as members of the Court, who shall be selected by the Judge from the persons summoned to act as assessors.

**201.** The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge. Decision vested in Court, but the decision is vested exclusively in the Judge.

**202.** If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending through the trial, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

**203.** The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may from time to time revoke or alter such order.

The Local Government may also, if it see fit, direct that, in any District or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the official Gazette, and in such other manner as the Local Government from time to time directs.

**204.** In trials by jury before the Court of Session, the jury shall consist of five persons, or of such number, being an uneven number, and not being less than three nor more than nine, as the Local Government, by any general order applicable to any particular District or to any particular classes of offences in that District, directs.

**205.** Whenever a trial by jury is to be held, the persons who are to constitute the jury shall be chosen by lot immediately before the commencement of the trial from the jurors who attend in obedience to the summons.

**206.** Before the commencement of a trial by jury the names of the jurors shall be called aloud, and, upon the appearance of each juror, the accused person shall be asked if he objects to be tried by such juror.

Objection may then be made to such juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated.

Any objection made to a juror shall be decided by the Court, and the decision of the Court shall be final.

If an objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such juror or other person be made and allowed.

**207.** Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(1.) any ground of disqualification within section 357;

(2.) standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused;

(3.) being in the employment on wages of either of such persons;

(4.) being plaintiff or defendant against either of such persons in any civil suit,

(5.) having complained against, or having been accused by, either of such persons in any criminal prosecution,

(6.) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, either of such persons.

**208.** The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

**209.** The jury shall appoint one of their Foreman of jury. number to be foreman.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, or to ask any information from the Court that may be required by the jury.

If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

Each juror shall, before the trial, make oath to the following effect:—  
Jurors to be sworn. "I, A. B., do swear [or solemnly affirm] that I will truly judge in the case of the prisoner [or prisoners] at the bar and give my verdict according to the evidence."

**210.** The same jury, if not objected to, may try, or the same assessors may aid in the trial of, as many accused persons successively as to the Court seems meet.

**211.** Whenever, in the opinion of the Court, it is proper and convenient that the jury or assessors should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to the place which